

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
TUESDAY, OCTOBER 18, 2005
9:00 A.M.**

AND

**SPECIAL COUNCIL MEETING/COUNCIL WORK SESSION
COUNCIL/STAFF QUESTION AND ANSWER SESSION
10TH FLOOR, CONFERENCE ROOM
MONDAY, OCTOBER 17, 2005
4:00 P.M.**

ROLL CALL

Invocation – Fire Chaplain Ed Sinke
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. BOWIE ALUMNI ASSOCIATION**
- 2. MINORITY BUSINESS DEVELOPMENT WEEK**
- 3. EL PASO SPORTS COMMISSION'S USSSA SOFTBALL TOURNAMENT**
- 4. MAKE A DIFFERENCE DAY**
- 5. EL PASO ARCHIVES WEEK**
- 6. TEEN READ WEEK**
- 7. INTERNATIONAL CREDIT UNION WEEK**
- 8. MEDICAL ASSISTANTS WEEK**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA**1. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meeting of October 11, 2005 and the Special City Council Meeting of October 10, 2005.

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**3. RESOLUTIONS:**

- 3A.** That the City Manager be authorized to sign a Landscape Cost Sharing Agreement between the CITY OF EL PASO and the State of Texas, acting through the Texas Department of Transportation, allowing the City to participate in a landscape development project. The project will landscape 11 existing medians on Mesa Street from Baltimore to Sun Bowl Drive with additional groundcover to include stamped colored concrete, loose aggregate, additional vegetation and an irrigation system. The total estimated cost of the project is \$150,000.00 of which the City's total contribution is \$75,000.00, which includes a \$15,000.00 cash contribution, and a non-cash contribution of \$60,000.00 and a State cash contribution of \$75,000.00. **(Districts 1 and 8)**

Project: PST05005; Fund: 27713; Department: 31255014; Account: 508027.
[Deputy City Manager, Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

- 3B.** That the City Manager be authorized to sign a Contract of Sale by and between the CITY OF EL PASO and ERNEST COCA, SR. and BERTHA M. COCA for the acquisition of a parcel of land containing 61.5 square feet, more or less, being a portion of Tract 9D1, Block 34, Ysleta Grant, El Paso, El Paso County, Texas, in the amount of THREE THOUSAND ONE HUNDRED FIFTY DOLLARS AND NO/100THS DOLLARS (\$3,150.00) to be used for the Dorbandt Street & Drainage Improvement Project. **(District 7)**

Project #: PBE04ST108; Fund: 29123; Department: 14200403; Account: 508000.
[Deputy City Manager, Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

- 3C.** That the Mayor be authorized to sign an Agreement between the City of El Paso, in its capacity as the Metropolitan Planning Organization (MPO), and the New Mexico Department of Transportation (NMDOT) for the development and implementation of the Unified Planning Work Program (UPWP), and related tasks as further described in the Agreement. The MPO shall be reimbursed in accordance with the terms of the Agreement.

[Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735, ext. 13]

- 3D.** That the City Manager be authorized to sign the City of El Paso Profit Sharing Plan and Trust (the "Plan"), the First Amendment to the Plan, and the Second Amendment to the Plan. [Office of Management and Budget, David Almonte, (915) 541-4011]
- 3E.** That the City Manager be authorized to sign the amended and restated City of El Paso Deferred Compensation Plan for Public Employees.
[Office of Management and Budget, David Almonte, (915) 541-4011]
- 3F.** That the City Manager be authorized to sign an Easement Reservation by and between the CITY OF EL PASO and EL PASO WATER UTILITIES / PUBLIC SERVICE BOARD, for a project known as "Northeast Regional Park" to construct, build, install, repair, reconstruct, and perpetually use, maintain, and operate a water (and sewer) line or lines with appurtenances and improvement thereto.
Funding Source - 2000 QOL Bond Program. **(District 4)**
[Perspectiva + 3D/I (P+3), Juan Contreras, (915) 225-3449]
- 3G.** That the City Council approves submission of the grant application for the Domestic Abuse Response Team project to the Office of the Governor, Criminal Justice Division and that the City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$67,154, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division.
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]
- 3H.** That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the Ysleta Independent School District (YISD) for the furnishing of twenty (20) police officers for the School Resources Officer Program to be conducted within the YISD during the school year 2005-2006 with an option to extend through summer school 2006; payment will be received from YISD in an amount which represents 50% of the annual salary and primary benefits of fourteen (14) police officers based on the number of days in which officers actually work and provide services to YISD as set forth in the agreement. Two (2) officers will be paid through the Cops in Schools Grant #2001SHWX0634 and the other four (4) officers will be paid through the Cops in Schools Grants #2004SHWX0054.
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

4. BOARD RE-APPOINTMENTS:

- 4A.** Thelma Sandy Caviness to the Mayor's Advisory Board on Aging by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]
- 4B.** Mitchel Doblado to the Parks and Recreation Advisory Board by Representative Jose Alexandro Lozano, District 3.
[Representative Jose Alexandro Lozano, (915) 541-4515]

5. BOARD APPOINTMENTS:

- 5A.** Annabell Perez to the Airport Board by Representative Steve Ortega, District 7.
[Representative Steve Ortega, (915) 541-4124]
- 5B.** Mathew Carroll to the Parks and Recreation Advisory Board by Mayor Pro Tempore Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

- 5C.** Carl R. Pataky to the Parks and Recreation Advisory Board by Mayor Pro Tempore Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]
- 6. APPLICATIONS FOR TAX REFUND:** [Tax Office, Juan Sandoval, (915) 541-4369]
That the tax refunds listed on the attachment posted with this agenda be approved.
(See attachment)
- 7. CHANGE ORDERS:** [Financial Services, Byron E. Johnson, (915) 541-4308]
- 7A.** Approve Change Order No. Thirty Four (34) (Construction Change) to Silverton Construction Co., Inc. for Contract No. 2004-013, Cleveland Square Redevelopment Project, located at 501 N. Oregon, for an increased amount of \$42,903.00. Change Order consists of remodeling the 2nd floor Administrative Area of the Main Library at a total cost of \$42,903.00. The revised scheduled completion date is January 15, 2006.
- 7B.** Approve Change Order No. One (1) to Blair-Hall Co., Inc. in the amount of \$51,474.42 on Contract No. 2005-132, Northeast Regional Park Phase I Improvements Project, for changes required by Development Services Department of the City of El Paso. The changes in Change Order No. One (1) will extend the projected completion date to 4/23/2006.
- The purpose of this Change Order as requested by Perspectiva + 3D/I the Project Manager, is to comply with a list of changes required and recommended by the City's Development Services Department. These changes were identified after the contract was awarded. The proposed changes will impact the following areas of construction: Irrigation schedule, reclaimed water sources, irrigation landscape, parking lot area, location of fire hydrant and pond side slopes as the original design did not comply with current City of El Paso Construction Codes and Regulations. Funding for this Change Order is provided by the 2000 Quality of Life Bond Election as follows: 31130550-PPW0046004-60016-508027.
- Location: 11270 McCombs Dr. El Paso, Texas 79924
- 7C.** Approve Change Order No. Three (3) (Scope Change) to J. A. R. Concrete, Inc. for Contract No. 2005-010, Edgemere Boulevard Extension Improvements project, located at approximately 11530 Edgemere Boulevard, from Rising Sun Street to War Rose Place, for an increased amount of \$70,750.00. Change Order also adds twenty (20) days to the contract time. The purpose of this change order is to incorporate the Lee Street improvements project, as requested by Program Management. The revised scheduled completion date is October 10, 2005. Subsequent change orders will further revise the completion date for this project.
- Funding for this change order is 31260001-PPWST03022-60633-508027.
- 7D.** Approve Change Order No. Nine (9) (Scope Change) to Vistacon, Inc. for Contract No. 2004-091, Memorial Park Improvements and Indoor Pool project, located at 1701 N. Cobia Street (District 2) for an increased amount of \$37,548.00. Change Order also adds thirty (30) days to the contract time. The purpose of this Change Order is to provide all components of Alternate No. 5 Shady Canopy into the project, per Parks and Recreation Department request. The revised scheduled completion date is November 13, 2005.
The funding sources for the work described under this change order are 51010279-PPW0046026YR2-16301-508027. [Financial Services, Byron E. Johnson, (915) 541-4308]

8. BEST VALUE PROCUREMENT:

This contract shall be awarded to the bidder who provides the best value to the City. The City may consider price and other relevant criteria listed in the request for bids.

Solicitation No.: 2005-263 Janitorial Services for the El Paso Fire Department
Award to: Global Clean
 El Paso, TX
Item(s): All
Amount: \$30,589.20 (estimated yearly)

Department: General Services
Funds available: 31010327-01101-502206
Funding source: Operating Account, City Wide Maintenance Janitorial
Total award: \$91,767.60 (estimated)
District (s): All

General Services and Financial Services, Procurement Division, recommend award as Global Clean has provided the Best Value Bid. This is a thirty-six (36) month contract with the option to renew for two additional years. Additionally, Global Clean offers a prompt payment discount of 3.5% 10 days. [Financial Services, Ray Heredia, (915) 541-4316]

9. BIDS:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

9A. Solicitation No.: 2005-259 ADA Compliance District No. 5
 Location: Irving Schwartz Branch Library
 1865 Dean Martin Dr.
 Contractor: CH & JM Construction, Inc.
 El Paso, TX

Department: El Paso Public Library
Funds Available: 14200406-PBE04MF101-29165-508027
Funding Source: 2004 Bond Election
Items: Base Bid \$20,096.00
 Alternate \$ 5,610.00
Total Award: \$25,706.00
Estimated Completion Date: December, 2005
District (s): 5

The Departments of Engineering and El Paso Public Library recommend the award of this contract to CH & JM Construction, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

[Financial Services, Byron E. Johnson, (915) 541-4308]

9B. Solicitation No.: 2005-222 Youth Furniture for Main Library (Rebid)
Award to: Libra-Tech Corporation
Argyle, TX
Item(s): All
Amount: \$98,398.49

Department: Library
Funds Available: 72509501-51004-508009-PPW0056002
Funding Source: FY2000 Main Library TIF Funds
Total Award: \$98,398.49
District (s): 8 (however, award will benefit all Districts)

The Library and Financial Services Departments recommend award as indicated to the lowest responsive offer meeting specifications from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase Youth Furniture for the Main Library. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount was offered.

[Financial Services, Barbara Crumley, (915) 541-4315]

10. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events. [Development Services, Alan Shubert, (915) 541-4560]

10A. Sun Bowl Association to hold the First Light Federal Credit Union Sun Bowl Parade on November 24, 2005 from 10:00 a.m. to 12:00 p.m. Route: Start at the corner of Montana and Campbell, proceed on Montana and finish at the corner of Montana and Cobia. Approximately 3,000 persons, 150 vehicles, 40 animals will take part and 275,000 spectators are anticipated. This request includes permission to use amplification (several floats may have sound equipment capable of being heard to the curb of the route).

Permit # 05-139 [Bernie Olivas] **(District 8)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 160 OFFICERS AND 88 VEHICLES. ESTIMATED COST TO CITY: \$639.00; ESTIMATED COST TO APPLICANT: \$51,433.00. THE TOTAL NUMBER OF OFFICERS REQUIRED TO POLICE THIS EVENT IS 160 OFFICERS. SIXTY-SIX OF THOSE WILL BE OFF-DUTY OFFICERS ON OVERTIME, THE OTHER OFFICERS WILL BE BROUGHT IN TO ASSIST WITH THE PARADE AND ASSOCIATED EVENTS. THIS PERMIT ESTIMATE ALSO INCLUDES THE YMCA TURKEY TROT FOOT RACE/WALK (PERMIT # 05-154). PER CONTRACT BETWEEN CITY OF EL PASO AND THE SUN BOWL ASSOCIATION DATED 04-22-03, ONLY \$30,000.00 WILL BE BILLED FOR THE 2005 PARADE. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

- 10B.** YMCA to hold the Turkey Trot foot race/walk on November 24, 2005 from 7:30 a.m. to 8:30 a.m. Route for walk: Start on Montana at Virginia, proceed on Montana to Cotton, turn back around on Montana and finish at Virginia. Route for run: Start on Montana at Virginia, proceed on Montana to Williams, turn left on Williams to Rio Grande, turn right on Rio Grande to Magnolia, turn back around on Magnolia to Williams, turn left on Williams to Montana, turn right on Montana and finish at Virginia. Approximately 900 persons will take part and 200 spectators are anticipated. PERMIT # 05-154 [LuAnn Wieland] **(District 8)**
NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THIS PERMIT WAS ADDRESSED ON PERMIT # 05-139, SUN BOWL ASSOCIATION FIRST LIGHT FEDERAL CREDIT UNION SUN BOWL PARADE. BARRICADES SHOULD BE PLACED, AS IN PREVIOUS YEARS. ESTIMATED COST TO CITY: \$0.00; ESTIMATED COST TO APPLICANT: \$0.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.
- 10C.** Father Yermo ELC to hold a United Nations Day celebration parade on October 28, 2005 from 1:00 p.m. to 2:30 p.m. Route: Start at Father Yermo ELC – 616 S. Virginia to Seventh St., turn right on Seventh St. to Ochoa St., turn right on Ochoa St. to Father Rahm, turn right on Father Rahm and finish at the school. Approximately 90 persons, 30 floats will take part and 50 spectators are anticipated. PERMIT # 05-147 [Sylvia Grijalva] **(District 8)**
NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 4 OFFICERS AND 4 VEHICLES. ESTIMATED COST TO CITY: \$225.00; ESTIMATED COST TO APPLICANT: \$75.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.
- 10D.** Morgan Marie Neighborhood Watch to block off Morgan Marie between Amber Morgan and Tender Foot on October 31, 2005 from 4:00 p.m. to 10:00 p.m. for a block party. Approximately 200 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-148 [Sandie Sparks Olivar] **(District 6)**
NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.
- 10E.** Southwestern Pride to hold a parade on June 3, 2006 from 11:00 a.m. to 1:00 p.m. Route: Start on Montana at St. Vrain to Mesa, turn left on Mesa to San Antonio, turn left on San Antonio to Ochoa, turn right on Ochoa and finish at 216 S. Ochoa. Approximately 175 persons, 7 vehicles, 10 animals, 7 floats will take part and 300 spectators are anticipated. This request includes permission to use amplification (1 bull horn and 1 amplifier). PERMIT # 05-149 [Ms. Jerry Correia] **(District 8)**
NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 33 OFFICERS AND 33 VEHICLES. ESTIMATED COST TO CITY: \$639.00; ESTIMATED COST TO APPLICANT: \$4,311.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

- 10F.** UTEP Student Development Center to hold the 2005 UTEP Homecoming Parade on October 21, 2005 from 10:00 a.m. to 2:00 p.m. Route: Start on Oregon St. at Baltimore Dr., proceed on Oregon St. to University Ave., turn right on University Ave. to Sun Bowl Dr., turn right on Sun Bowl Dr. and finish at the UTEP parking lot A-1. Approximately 500 persons, 40 vehicles will take part and 2,000 spectators are anticipated. PERMIT # 05-150 [Kim Keeton-Pettit] **(District 1)**
NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 2 OFFICERS AND 2 VEHICLES. ESTIMATED COST TO CITY: \$100.00; ESTIMATED COST TO APPLICANT: \$0.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.
- 10G.** Youth Salute to Veterans to hold a Veteran's Day Parade on November 11, 2005 from 10:00 a.m. to 12:00 p.m. Route: Start on Rushing at Fairbanks, proceed on Rushing and finish at Veteran's Park – 5301 Salem. Approximately 500 persons, 2 vehicles, 2 floats will take part and 200 spectators are anticipated. This request includes permission to use amplification (2 speakers, 1 microphone and 1 amplifier). PERMIT # 05-151 [Walt Phillips] **(District 4)**
NO OBJECTIONS FROM FIRE, SUN METRO, PARKS AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 6 OFFICERS AND 6 VEHICLES. ESTIMATED COST TO CITY: \$388.00; ESTIMATED COST TO APPLICANT: \$212.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.
- 10H.** St Mark's United Methodist Church to use amplification (3 amplifiers, 8 speakers and 4 microphones) at Thorn Park – 5260 Mace St. on November 5, 2005 from 11:00 a.m. to 4:00 p.m. for a park outreach. Approximately 20 persons will take part and 150 spectators are anticipated.
PERMIT # 05-152 [George Armas] **(District 1)**
NO OBJECTIONS FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.
- 10I.** KLAQ Radio to hold a 20th Annual Halloween Parade on October 31, 2005 from 3:00 p.m. to 5:00 p.m. Route: Start at Album Park on Album Rd. to Cork, turn left on Cork to Daphne Ave., turn right on Daphne Ave. to Fir St., turn left on Fir St. to Bermuda Dr., turn left on Bermuda Dr. to Zanzibar Dr., turn left on Zanzibar Dr. and finish at the park. Approximately 1,500 persons, 75 vehicles will take part and 15,000 spectators are anticipated. This request includes permission to use amplification (1 p.a. system).
PERMIT # 05-153 [Connie M Hernandez] **(District 5)**
NO OBJECTIONS FROM FIRE, SUN METRO, PARKS AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 21 OFFICERS AND 21 VEHICLES. ESTIMATED COST TO CITY: \$532.50; ESTIMATED COST TO APPLICANT: \$2,092.50. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.
- 10J.** El Pasoans Against the Death Penalty to hold a demonstration at the El Paso County Courthouse – 500 E. San Antonio (sidewalks only) on October 19, 2005 from 12:00 p.m. to 1:00 p.m. Approximately 10-20 persons will take part and 20 spectators are anticipated. This request includes permission to use amplification (1 amplifier, 2 speakers and 1 microphone).
PERMIT # 05-155 [Carol Tures] **(District 8)**

NO OBJECTIONS FROM FIRE AND SUN METRO. ENGINEERING DEPT, TRAFFIC DIV HAS NO OBJECTION TO PROPOSED DEMONSTRATION. PARTICIPANTS MUST NOT RESTRICT PEDESTRIAN TRAFFIC ON SIDEWALKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

- 10K.** Rosalia Andujo to block off Park St. between Sixth and Seventh on October 22, 2005 from 10:00 a.m. to 10:00 p.m. for a matachines block party. Approximately 150 persons will take part and 100 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-157 [Rosalia Andujo] **(District 8)**

NO OBJECTIONS FROM FIRE AND SUN METRO. ENGINEERING DEPT., TRAFFIC DIV. HAS NO OBJECTION TO THE PROPOSED STREET CLOSURE PENDING THE SIGNATURES OF 800, 808, 811, 813, 816 & 819 S PARK. BARRICADES TO BE INSTALLED AND MANNED IAW TEXAS MANUAL ON UNIFORMED TRAFFIC CONTROL DEVICES. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

REGULAR AGENDA

11. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 11A.** An Ordinance to curtail the problem of underage binge drinking across the Mexico border by residents of the City of El Paso who are minors.
[Mayor John F. Cook, (915) 541-4145]
- 11B.** An Ordinance amending Title 14 (Aircraft and Airports), Chapter 14.16 (Airport Use Regulations) of the El Paso Municipal Code by amending Section 14.16.135, Fuel flowage fees. The penalty as provided in Chapter 1.08 of the El Paso Municipal Code. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]
- 11C.** An Ordinance amending Title 14 (Aircraft and Airports), Chapter 14.24 (Commercial Air Carriers Rates and Charges), Section 14.24.020 (Applicability – compliance required) and Section 14.24.030 (Landing fees) of the El Paso Municipal Code to clarify the designation of a commercial air carrier. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]
- 11D.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code to add a subsection identifying the speed limit as Forty Miles Per Hour on Rich Beem Boulevard. The penalty is as provided in Section 12.84.010 of the El Paso Municipal Code. **(District 5)**
[Engineering – Traffic, Ted Marquez, (915) 541-4035]
- 11E.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.010 (Department-Creation-Functions), Section 2.40.20 (Fees), to Allow Waiver and Reduction of Fees, Section 2.40.060 (Art Museum Advisory Board-Duties) to Revise the Title of Section and to add Section 2.40.070 (Cultural Affairs Advisory Board-Duties) of the El Paso City Code to specify additional duties and functions of the Department and to recreate the Cultural Affairs Advisory Board and specify its duties; and to repeal Ordinances Nos. 14880 and 15581.
[Museums and Cultural Affairs, Angela Mora, (915) 541-4481]

- 11F.** An Ordinance granting a Special Privilege to Anne S. Burrows permitting the encroachment onto public right-of-way with a canopy located at 312-318 South El Paso Street. (Fee: \$100.00, SP-05024) **(District 8)**
[Planning, Esther Guerrero, (915) 541-4720]
- 11G.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), Section 12.44.180B (Regulations Pertaining to Certain Special Situations) of the El Paso Municipal Code to Provide for Reserved Parking Spaces for GSA Employees and Construction Workers during such times as signs are posted by Traffic Engineering. The penalty being as provided in Section 1.08 of the El Paso Municipal Code. **(District 8)**
[Street Department, Daryl W. Cole, (915) 621-6750]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 1, 2005 FOR ITEMS 11A – 11G

- 11H.** An Ordinance changing the zoning of a portion of 75 feet by 150 feet out of Tract 52, Sunrise Acres No. 2, El Paso, El Paso County, Texas from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 4944 Hercules. Applicant: Osvaldo Gutierrez Romo. ZON05-00033 [Planning, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 8, 2005 FOR ITEM 11H

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

12. MAYOR AND COUNCIL:

Discussion and action on a Resolution that the El Paso County Hospital District plays a vital role in the overall health of the community, and be it further resolved that the City of El Paso supports the District's long-range strategic plan and hereby urges the El Paso County Commissioners Court to authorize the sale of the bonds.
[Mayor John F. Cook, (915) 541-4145]

13. DEVELOPMENT AND INFRASTRUCTURE SERVICES:

[Deputy City Manager, Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

Discussion and action on the Lee Trevino Drive Extension Project, including direction on the project continuation, recommended option(s) and next steps.
POSTPONED FROM 09/27/05

14. FINANCIAL SERVICES:

- 14A.** Discussion and action on a Resolution that the action of the Acting City Manager and the Deputy Director of Financial Services in connection with the issuance of an Emergency Authorization to BXW Electrical Rebuilders Inc., in the amount of \$79,250.00, for emergency repairs and replacement of the exterior driveway and concrete slab in the apparatus room at Fire Station No. 20, is ratified.
[Financial Services, Byron E. Johnson, (915) 541-4308]

- 14B.** Public Hearing to make a determination by City Council that Spartan Construction Services Inc., is not a responsible bidder on The Teakwood Road & Sequoia Court, Street & Drainage Improvements Bid No. 2005-254.

The project location is in District No. 3, Teakwood Road & Sequoia Court.

On Wednesday September 21, 2005 bids were opened for Teakwood Road & Sequoia Street & Drainage Improvements, solicitation number 2005-254. Upon completion and review of the official bid tabulation for the subject project, it was determined that the apparent low bidder was Spartan Construction Services Inc.

Spartan Construction presented insufficient information in regards to experience and expertise. It is the opinion of City Staff and the City's design consultant, on Teakwood Road & Sequoia Court, Street & Drainage Improvements Project, that Spartan Construction Services Inc. is not a responsible bidder.

After closing of the hearing staff recommends passage of a motion stating that Spartan Construction Services is deemed a non-responsible bidder for Bid Number 2005-254. [Financial Services, Byron E. Johnson, (915) 541-4308]

- 14C. BID:** [Financial Services, Byron E. Johnson, (915) 541-4308]

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

Solicitation No.:	2005-254	Teakwood Road and Sequoia Court, Street and Drainage Improvements
Location:		Teakwood Road and Sequoia Court
Contractor:		Danny Sander Construction, Inc. El Paso, TX
Department:		Street
Funds Available:		71150069-G7130CD0021-07803-508027 71150069-G7130CD0022-07838-508027
Funding Source:		Community Development Grant's G7130CD0021 and G7130CD0022
Items:	Base Bid 1	\$493,175.50
	Base Bid 2	\$ 38,682.00
	Base Bid 3	\$ 41,345.00
Total Award:		\$573,202.50
Estimated Completion Date		March 2006
District (s):		3

RECOMMENDATION:

The Departments of Engineering and Street recommend the award of this contract to Danny Sander Construction, Inc., the lowest responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

15. PLANNING: [Planning, George Sarmiento, (915) 541-4193]

Discussion and action on a Motion to expand the open meeting and notification requirements of the City Plan Commission as follows:

Regardless of any wording to the contrary above, the City Plan Commission shall be required to hold an open meeting/hearing on any new action proposed for a parcel/tract that was previously subject to a contested hearing. The petitioner shall be responsible for notifying all previous participants of record (of the contested action(s)) regarding the subject, date and time of the new hearing.

POSTPONED FROM 07/26/05, 06/28/05 AND 05/31/05, PUBLIC ITEM PLACED BY RICHARD SCHECTER

16. PUBLIC HEARING – DEVELOPMENT AND INFRASTRUCTURE SERVICES:

[Deputy City Manager, Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

An Ordinance authorizing the City Manager to designate an employee to perform the duties and functions assigned to the Deputy Director-Building Permits and Inspections under the City Code in the event of a vacancy in the position.

17. PUBLIC HEARING – ENGINEERING, TRAFFIC:

[Engineering – Traffic, Ted Marquez, (915) 541-4035]

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at All Times on Certain Streets) to amend: i) a location on Clark Drive from Dulaney Avenue to Trowbridge Drive, both sides; and ii) a location on Clark Drive, extending approximately seventy-six feet North from the North curblin of the Trowbridge Drive Access Road, both sides. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code. **(District 3)**

POSTPONED FROM 10/11/05

18. PUBLIC HEARINGS – PLANNING:

18A. Discussion and action on a Resolution approving a Detailed Site Development Plan, for a portion of Lot 1, Block 1, Mesa Hills West, El Paso, El Paso County, Texas, pursuant to a Special Contract condition imposed by Ordinance No. 7718. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 400 Block of Mesa Hills. Applicant: Investment Builders. ZON05-00084 **(District 8)** [Planning, Christina Valles, (915) 541-4930]

POSTPONED FROM 09/27/05

- 18B.** An Ordinance changing the zoning of Tracts 2B2, 2B4 and 2B4A, Block 18, Ysleta Grant, El Paso, El Paso County, Texas from R-3 (Residential) to S-D (Special Development District). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 7929 Heid Ave.
Applicant: Ramon/Rosina Frescas Jr. ZON05-00023 **(District 7)**
[Planning, Christina Valles, (915) 541-4930]
- 18C.** An Ordinance changing the zoning of a portion of Lot 6, Block 131, Chaparral Park Unit 29, Replat B, El Paso, El Paso County, Texas from A-O (Apartment-Office) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 595 Belvidere.
Applicant: Peace Lutheran Church. ZON05-00070 **(District 1)**
[Planning, Christina Valles, (915) 541-4930]
- 18D.** An Ordinance changing the zoning of Lots 9 and 10, Block 72, East El Paso Addition, El Paso, El Paso County, Texas from R-5 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 3619 Missouri Ave.
Applicant: Ascencion & Mary Mena. ZON05-00072 **(District 8)**
[Planning, Christina Valles, (915) 541-4930]
- 18E.** An Ordinance changing the zoning of a portion of Lot 1, Block 1, Painted Dunes Addition Unit Two, El Paso, El Paso County, Texas from A-2 (Apartment) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 10700 Block of McCombs.
Applicant: EPT Land Assets. ZON05-00081 **(District 4)**
[Planning, Christina Valles, (915) 541-4930]
- 18F.** An Ordinance granting Special Permit No. ZON05-00082, to allow for a fire station on Lots 26 and 27, Block B, Pioneer Addition, El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 6500 Block of Angora Loop. **(District 6)**
Applicant: City of El Paso. ZON05-00082 [Planning, Christina Valles, (915) 541-4930]
- 18G.** An Ordinance granting a Special Privilege to La Mujer Obrera to temporarily close a portion of Willow Street between Texas Avenue and Myrtle Avenue for a "Mexican Culture Street Festival" on Saturday, October 29, 2005.
(Fee: \$137.50, SP-05020) **(District 8)** [Planning, Esther Guerrero, (915) 541-4720]
- 19.** The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

19A. *Tomas Garcia v. The City of El Paso*, 2004-2341 in the 346th District Court (551.071) [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

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<http://www.elpasotexas.gov>